

UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/711,707 Confirmation No.: 5706
Applicant : Jeffrey Lee SPRAY et al.
Filed : 09/30/2004
Title : BIOLOGIC FLUID SAMPLING APPARATUS
TC/A.U. :
Examiner :
Docket No. : B0368-US01

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SUGGESTED RESTRICTION REQUIREMENT

(37 CFR 1.142(c))

Sir:

Under Rule 37 CFR 1.142(c), Applicant is submitting a suggested restriction requirement.

Timeliness: This SRR is being filed prior to the issuance of the first office action on the merits or a restriction requirement by the Examiner.

Applications: Applicants believe that the subject application contains claims to four independent and distinct inventions.

Identification of Inventions: The independent and distinct inventions are...

Invention I Claims 1-9, 25. A biologic fluid sampling device comprising a valve interposed between a chamber and a needle.

Invention II Claims 10-12, 29-33. A biologic fluid sampling device comprising a bottle adapter surrounding a needle, the adapter having a wall extending along said needle such that

the needle is enclosed in the bottle adapter and a plurality of inwardly extending, longitudinal fins connected to the wall and spaced around a needle mount.

Invention III Claims 15-18, 34-42. A biologic fluid sampling device comprising a bottle adapter having a wall deformable from a first configuration into a second configuration.

Invention IV Claims 13-14, 21-24, 26-27, 43-48. A biologic fluid sampling device comprising a bottle adapter and a needle cap removably fitted over a needle.

Explanation: Applicants believe the inventions are independent and/or distinct as claimed because....

MPEP § 806.05(c)

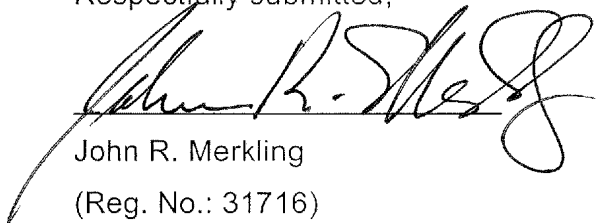
Inventions I, II, III, and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (**MPEP § 806.05(c)**). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the inventions as claimed in the independent claims can each be practiced without the distinctive features of the others, specifically, as to Invention I, a valve interposed between a chamber and a needle; as to Invention II, a bottle adapter surrounding a needle, the adapter having a wall extending along said needle such that the needle is enclosed in the bottle adapter and a plurality of inwardly extending, longitudinal fins connected to the wall and spaced around a needle mount; as to Invention III, a bottle adapter having a wall deformable from a first configuration into a second configuration; and as to Invention IV, a bottle adapter and a needle cap removably fitted over a needle. The subcombinations have separate utility such as controlling fluid flow into a chamber (Invention I), guiding a bottle to a central location with fins (Invention II), packaging a bottle adapter using first and second configurations (Invention III), and protecting a user from accidental injury using a needle cap.

Election without traverse: If such a restriction requirement is accepted by the Examiner, Applicant elects group I without traverse.

Identification of claims: Identification of the claims to each of the elected inventions and to each invention are reflected above.

Appl. No.
Amdt. dated
Reply to Office action of

Respectfully submitted,


John R. Merkling
(Reg. No.: 31716)

October 22 / 2007